

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MAURICE MOORE,

Petitioner,

v.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No. 2:22-cv-01375-MMD-EJY

ORDER

Petitioner Maurice Moore, a Nevada prisoner, has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) Moore has not filed an application to proceed *in forma pauperis* (IFP Application) or paid the filing fee. Accordingly, this matter has not been properly commenced. See 28 U.S.C. § 1915(a)(2); LSR 1-1, 1-2.

Thus, the present action will be dismissed without prejudice to the filing of a habeas petition pursuant to 28 U.S.C. § 2254 on the form required by this Court in a new action with either the \$5.00 filing fee or a completed IFP Application on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

It is therefore ordered that this action is dismissed without prejudice to the filing of a petition in a new action with either the \$5.00 filing fee or a properly completed application form to proceed *in forma pauperis*.

The Clerk of Court is directed to enter judgment accordingly and close this case.

1 It is further ordered that a certificate of appealability is denied as jurists of reason
2 would not find the Court's dismissal of this improperly commenced action without
3 prejudice to be debatable or incorrect.

4 The Clerk of Court is directed to send Moore two copies each of an application
5 form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254
6 habeas petition form, one copy of the instructions for each form, and a copy of the papers
7 that he submitted in this action.

8 DATED THIS 26th Day of August 2022.

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11 MIRANDA M. DU
12 CHIEF UNITED STATES DISTRICT JUDGE
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